

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SPIROS NTALIANAS and ILIAS ILYRIAN, on behalf
of themselves and others similarly situated,

Plaintiffs,

ADOPTION ORDER
16-cv-5934 (ADS) (GRB)

-against-

B&A CONTRACTING OF LANDMARK INC., and
B&A CONTRACTING OF NY, INC., and KOSTAS
GEORGIADES, jointly and severally,

Defendants.

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APPEARANCES:

Pardalis & Nohavicka, LLP

Counsel for the Plaintiffs

3510 Broadway, Suite 201

Astoria, NY 11106

By: Ariadne A. Panagopolou, Esq., Of Counsel

NO APPEARANCES:

The Defendants

SPATT, District Judge.

On October 25, 2016, the Plaintiffs Spiros Ntalianas and Ilias Ilyrian commenced this putative collective action against their former employers, the Defendants B&A Contracting of Landmark, Inc., B&A Contracting of NY, Inc., and Kostas Georgiades (the “Defendants”), alleging violations of the Fair Labor Standards Act and New York Labor Law. Namely, the Plaintiffs seek to recover allegedly unpaid minimum wages, overtime wages, spread-of-hours pay, and damages arising from the Defendants’ alleged failure to furnish wage statements and other required documentation. There is also a New York State cause of action based on breach of contract arising from their employment.

On February 7, 2017, after the Defendants failed to file an answer to the complaint or otherwise appear in this action, the Clerk of the Court noted their default.

On March 24, 2017, the Plaintiffs filed a motion for a default judgment. To date, the Defendants have not responded to the motion, or otherwise participated in this action.

On March 25, 2017, the Court referred this matter to United States Magistrate Judge Gary R. Brown for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On February 26, 2018, Judge Brown issued a Report & Recommendation (“R&R”) recommending that the motion for default judgment be denied without prejudice to renewal after the Plaintiffs file and serve an amended complaint naming the individuals who consented to join the action.

More than fourteen (14) days have elapsed since service of the R&R on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff’s motion for a default judgment is denied without prejudice to renewal.

SO ORDERED.

Dated: Central Islip, New York
March 30, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge